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Federal Judiciary
COURT OF JUSTICE OF THE FEDERAL DISTRICT AND TERRITORIES

2VARVETBSB
2nd Court for the Enforcement of Extrajudicial Titles and Arbitration Disputes of Brasília

Case number: 0023458-18.2016.8.07.0001

Judicial class: EXECUTION OF EXTRAJUDICIAL TITLE (159)

PLAINTIFF: AUTOTRAC COMERCIO E TELECOMUNICACOES S/A

EXECUTED: KARL ALEXANDER NEUMANN

SENTENCE

This is an enforcement proceeding based on an extrajudicial instrument, established by a contract signed with two witnesses.

Several attempts were made to expropriate assets to satisfy the debt being enforced, without success. Therefore, due to the lack of assets, the execution remained suspended for a period of 01 (one) year, pursuant to art. 921, III of the CPC, from 29/4/2019 (decision of id. 33022121).

After the suspension period expired, the statute of limitations for enforcement automatically began to run. During this period, no assets were seized, and the case file was provisionally archived.

Finally, I note that the parties were notified to comment on the statute of limitations (id. 242451302).

This is the report. **I decide.**

After the enforcement action was filed, and efforts were made that proved fruitless in satisfying the debt, the proceedings were suspended for a period of 1 (one) year, followed by provisional archiving.

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It is worth remembering that article 921, § 4, of the CPC determines that, after a period of 1 (one) year has elapsed since the suspension of the proceedings without any attachable assets being found, the statute of limitations for enforcement begins to run.

Since the debt in question stems from an extrajudicial enforceable instrument, the five-year statute of limitations provided for in Article 206, § 5, item I, of the Civil Code applies to it.

Since the statute of limitations for the enforcement of the debt began automatically after the suspension period expired, it is necessary to acknowledge that the plaintiff's enforcement action was extinguished by the statute of limitations on April 28, 2024, pursuant to item V of article 924 of the CPC (Brazilian Code of Civil Procedure).

Incidentally, this was the thesis established in the Assumption of Action case.
Jurisdiction, as discussed in REsp 1604412, according to the summary which I now transcribe:

> SPECIAL APPEAL. INCIDENT OF ASSUMPTION OF JURISDICTION. ACTION FOR ENFORCEMENT OF AN EXTRAJUDICIAL TITLE. Intervening limitation of the enforcement claim. APPLICABILITY. TERM HOME. NEED OF Prior notification of the creditor-plaintiff. Hearing of the creditor. Non-existence. Contradictory principle disregarded.
>
> SPECIAL APPEAL GRANTED. 1. The theses to be established, for the purposes of Article 947 of the CPC/2015, are as follows: 1.1 Intercurrent prescription applies in cases governed by the CPC/73 when the plaintiff remains inactive for a period exceeding the prescription period of the substantive right claimed, according to the interpretation extracted from Article 202, sole paragraph, of the Civil Code of 2002. 1.2 The initial term of the prescriptive period, under the CPC/1973, is counted from the end of the judicial suspension period of the proceedings or, if no period is fixed, from the lapse of one year (analogous application of Article 40, § 2, of Law 6.830/1980). 1.3 The initial term of Article... Article 1.056 of the CPC/2015 applies only in cases where the proceedings were suspended on the date of

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1.4. The principle of adversarial proceedings must be respected in all manifestations of the Judiciary, which must ensure its observance, including in cases of ex officio declaration of intercurrent prescription, and the creditor must be previously notified to present any fact that prevents the application of prescription. 2. In the specific case, despite more than a decade having elapsed since the administrative archiving of the process, the recurring lack of notification ensures the timely exercise of the right to adversarial proceedings. 3. Special Appeal granted. (REsp 1604412 / SC; Minister MARCO AURÉLIO BELLIZZE; DJe 22/08/2018).

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To corroborate this understanding, it is also in this sense that

The following is a summary, ***in verbatim:***

CIVIL APPEAL. CIVIL PROCEDURE LAW. ENFORCEMENT.
BANK CREDIT NOTE. SUSPENSION OF PROCEEDINGS.
CPC/73. RULE OF INTERTEMPORAL LAW. ART. 1,056 OF CPC/2015.
LAPSE OF THE TIME LIMIT FOR THE IMPLEMENTATION OF THE
(INTERCURRENT) PRESCRIPTION OF THE ENFORCEMENT CLAIM.
OCCURRENCE. CANCELLATION OF THE SENTENCE. INADMISSIBLE.
Termination of the proceedings. Article 924, V, CPC. Correction.
APPEAL HEARD AND DISMISSED. 1. The 2015 Code of Civil Procedure provides that, in relation to executions in progress until the beginning of its validity, the rule of intertemporal law provided for in its article 1056 applies, according to which the initial term of the statute of limitations is the date of the validity of said Code, namely, March 18, 2016. 2. The analysis of article 924, item V, of the Code of Civil Procedure, allows us to infer that the declaration of the statute of limitations affects the enforcement claim, without prejudice to the original claim, which may be exercised through ordinary means, if still possible.

3. In this case, the creditor (Bradesco) filed for enforcement of an extrajudicial executive instrument (bank credit note) in 2010, but, although summoned, could not locate any assets of the debtors. In 2014, the court ordered the case to be archived, based on a court order. On March 18, 2016, the 2015 Code of Civil Procedure came into effect, which, in article 1,056 (rule of intertemporal law), establishes this date as the starting point for the limitation period.

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4. The creditor only appeared in the proceedings after the suspension in 2014 on May 22, 2019, to request the issuance of a writ of attachment against the records of a case in which one of the debtors has a credit to receive, when the three-year period (March 2016 to March 2019) had already expired by at least two (2) months, which is why the judgment correctly declared the statute of limitations for the enforcement claim. 5. Appeal KNOWN and DISMISSED. Judgment upheld in its entirety. (Judgment 1225864, 00484254020108070001, Rapporteur: ROBSON BARBOSA DE AZEVEDO, 5th Civil Chamber, date of judgment: 1/22/2020, published in the DJE: 2/6/2020. Page: No Page Registered.)

In light of the foregoing, I declare the statute of limitations has run on the enforcement claim and, consequently, I dismiss the enforcement proceedings pursuant to Article 924, V, of the Code of Civil Procedure.

Without costs of the proceedings, pursuant to article 921, §5, of the CPC.

Any existing liens and/or encumbrances on the assets of the defendant are hereby lifted.

After the judgment becomes final, **the case file should be archived,** with the corresponding entry in the Distribution system and the usual formalities observed.

Publish. Notify. Judgment registered electronically.
in this act, through the computerized system of the TJDFT.

DOCUMENT DATED AND SIGNED DIGITALLY

Electronically signed by: EDIONI DA COSTA LIMA 10/15/2025 17:36:00
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